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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SAN FRANCISCO BAYKEEPER, a non-profit
corporation,

Plaintiff,

v.

JAMES F. TAYLOR dba PINOLE RODEO
AUTO WRECKERS,

Defendant.

Civil No. 3:15-cv-05825-MEJ

NOTICE OF SETTLEMENT AND
REQUEST TO VACATE TIME TO
RESPOND TO COMPLAINT AND CASE
MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER

(Federal Water Pollution Control Act, 33
U.S.C. § 1251 *et seq.*)

Honorable Maria-Elena James

TO THE COURT AND TO THE PARTIES:

PLEASE TAKE NOTICE that Plaintiff San Francisco Baykeeper and Defendant James F. Taylor dba Pinole Rodeo Auto Wreckers (collectively, the “Parties”) have reached a tentative settlement in this action, which has been executed by the Parties. As required by federal law, a copy of the [Proposed] Settlement Agreement has been sent to the U.S. Department of Justice and to the U.S. Environmental Protection Agency (collectively, the “Agencies”) for a mandatory 45-day review period under 33 U.S.C. § 1365(c)(3) and 40 C.F.R. § 135.5. Copies of the [Proposed] Settlement Agreement will be sent to the Agencies via U.S. Certified Mail on today’s date. Upon expiration of the 45-day review period, Plaintiff will request that the Court (1) approve and execute the [Proposed] Settlement Agreement which provides for continuing Court jurisdiction over any disputes which may arise between the Parties under the agreement, and (2) approve and execute an Order dismissing the Complaint.

Therefore, in light of the 45-day statutory review period, which ends on approximately November 3, 2016, Plaintiff requests that the Court vacate from its calendar Defendant’s deadline to respond to the complaint on September 26, 2016, and the December 1, 2016 Case Management Conference and associated deadlines, and issue an order that Plaintiff has until November 15, 2016 to file a request to enter the [Proposed] Settlement Agreement.

WHEREFORE, Plaintiff respectfully requests that the Court approve and enter the Proposed Order below.

DATE: September 19, 2016

Respectfully Submitted,

/s/ Nicole C. Sasaki

Nicole C. Sasaki
Attorneys for Plaintiff
SAN FRANCISCO BAYKEEPER

~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that Defendant's deadline to respond to the complaint on September 26, 2016 and the Case Management Conference set for December 1, 2016 and all associated deadlines are vacated. The Court sets November 15, 2016 as the deadline for Plaintiff to file a request to enter the ~~Proposed~~ Settlement Agreement.

IT IS SO ORDERED.

Date: September 20, 2016

NORTHERN DISTRICT OF CALIFORNIA



Honorable Maria-Elena James
United States District Court